

Atty. Docket No. CH9-2000-0019US1
(590.082)

REMARKS

Applicants and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner. The Office is respectfully requested to reconsider the rejection presented in the outstanding Office Action in light of the following remarks.

Claims 1-16 were pending in the instant application at the time of the outstanding Office Action. Of these claims, Claims 1, 15, and 16 are independent claims; the remaining claims are dependent claims. Claims 1-16 stand rejected on the ground of nonstatutory double patenting over U.S. Patent 4,937,760. Claims 1-16 also stand rejected under 35 USC §102(e) as being anticipated by Gai et al. (hereinafter "Gai"). Claims 1-16 further stand rejected under 35 USC §102(e) as being anticipated by Bowman-Amuah (hereinafter "Bowman"). Reconsideration and withdrawal of these rejections is respectfully requested.

Claims 1-16 stand rejected on the ground of nonstatutory double patenting over claims 1-12 of U.S. Patent 4,937,760 to Beitel et al. (hereinafter "Beitel"), the Office asserting the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent. The outstanding Office Action asserts that this rejection is appropriate where the conflicting claims are not identical, but the examined application claim would have been anticipated by or obvious over the reference claims. However, the cited claims of this patent, issued in 1990 and filed in 1988, would not have anticipated or been obvious to modify to meet the claims of the present invention. Rather, Beitel

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appears to be directed towards synchronizing common values in a distributed system. The independent claims of Bietel, specifically Claim 1, do not teach or suggest any of the limitations of the present invention, and have no relation to handling interactive information exchange through networks having a plurality of client machines, which is the goal of the instant invention. Further, Beitel would not be modifiable to meet such limitations, because Beitel does not have the ability to handle information exchange through a network with clients and servers. There is no teaching or suggestion that Beitel has the ability to send messages to clients with predetermined response options or set up packet forwarding rules in a network. Considering that Beitel does not teach or suggest a network consisting of clients and servers, it does not seem logical that it would be obvious for Beitel to meet limitations of sending messages over such a network or establishing packet forwarding rules. Thus, this rejection is respectfully traversed and reconsideration and withdrawal of the rejection is requested.

Claims 1-16 stand rejected under 35 USC §102(e) as being anticipated by Gai. Claims 1-16 also stand rejected under 35 USC §102(e) as being anticipated by Bowman. Reconsideration and withdrawal of these rejections is respectfully requested in view of the comments set forth below.

As best understood, Gai appears to be directed to auto-configuring layer 3 devices with network configuration parameters. A layer 3 device receives an IP address from the DHCP server to associate with the server. The device also receives more IP addresses and subnets for its interfaces, and protocols to be used on the subnets.

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There is no teaching or suggestion in Gai of composing a request message offering predetermined response options, whereby corresponding response messages are returned through the network. The section cited in the Office Action referring to this limitation asserts that responses consist of values appropriate to the request, such as unique IP addresses. This is in no way a predetermined response option obtained from the message. Further, packet forwarding rules are not set up in the networks dependent on the predetermined response options, as is claimed by the instant invention. There is also no suggestion or teaching in Gai to set up packet forwarding rules in the networks specifying a particular treatment for said returned packets dependent on said predetermined response options.

As best understood, Bowman appears to be directed to interacting with a user over a network for personalizing a website. A profile of the user is built based on collected information and a plurality of different contents are managed. The profile and the contents are analyzed in order to match attributes of the profile of the user and attributes of the contents. The matching contents are selected and delivered to the user. The user is allowed to manually select which of the delivered contents are depicted on a web site. The user is also allowed to selectively position the delivered contents on the web site.

There is no teaching or suggestion in Bowman of handling interactive information exchange through networks having a plurality of client machines. There is no notion of a client machine in Bowman, only that of a user and a web site. Further, there is no teaching or suggestion in Bowman of composing a request message offering predetermined response options that is sent to the client machines (or a subset thereof),

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whereby corresponding response messages are returned through the network. Further, packet forwarding rules are not set up in the networks dependent on the predetermined response options, as is claimed by the instant invention. There is also no suggestion or teaching in Bowman to set up packet forwarding rules in the networks specifying a particular treatment for said returned packets dependent on said predetermined response options. The chain forwarding of Bowman is in no way comparable to setting up packet forwarding rules in a network. The website personalization system of Bowman stands in stark contrast to the present invention, as explained above.

Claim 1 recites, *inter alia*, composing a request message offering predetermined response options, whereby corresponding response messages are returned through said networks in one or more packets, and setting up packet forwarding rules in said networks specifying a particular treatment for said returned packets dependent on said predetermined response options. Similar language also appears in the other Independent Claims. It is respectfully submitted that both Gai and Bowman clearly fall short of present invention (as defined by the independent claims) in that, *inter alia*, it does not disclose composing a request message offering predetermined response options, whereby corresponding response messages are returned through said networks in one or more packets, nor does it disclose setting up packet forwarding rules in said networks specifying a particular treatment for said returned packets dependent on said predetermined response options. Accordingly, Applicants respectfully submit that the applied art does not anticipate the present invention because, at the very least, “[a]nticipation requires the disclosure in a single

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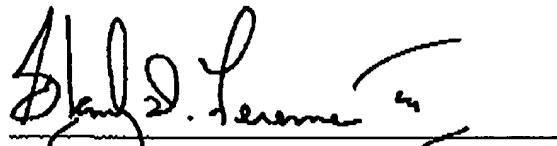
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prior art reference of each element of the claim under construction." *W.L. Gore & Associates, Inc. v. Garlock*, 721 F.2d 1540, 1554 (Fed. Cir. 1983); see also *In re Marshall*, 198 U.S.P.Q. 344, 346 (C.C.P.A. 1978).

In view of the foregoing, it is respectfully submitted that independent Claims 1, 15, and 16 fully distinguish over the applied art and are thus allowable. By virtue of dependence from Claim 1, it is thus also submitted that Claims 2-14 are also allowable at this juncture.

In summary, it is respectfully submitted that the instant application, including Claims 1-16, is presently in condition for allowance. Notice to the effect is hereby earnestly solicited. If there are any further issues in this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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